

REMARKS

In the Office Action mailed April 14, 2009 the Office noted that claims 21-29 were pending and rejected claims 21-29. Claims 21, 22, 24-29 have been amended, claim 23 has been cancelled, and, thus, in view of the foregoing claims 21-29 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 112

Claims 21-29 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Office asserts that the claims are narrative and replete with grammatical and idiomatic errors or contain antecedent basis issues. The Applicants have amended the claims to overcome the rejection. The Applicants submit tat no new matter is believed to have been added by the amendment of the claims.

Withdrawal of the rejections is respectfully requested.

CLAIM OBJECTION

Claims 25, 26 and 28 stand objected to for informalities. In particular, the Office asserts that the claims are improperly dependent. The Applicants have amended the claims

to overcome the objection.

Withdrawal of the objections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 21-23, 25 and 28 stand rejected under 35 U.S.C. § 103(a) as being obvious over Barlow, U.S. Patent No. 5,652,867 in view of Slivka, U.S. Patent Publication No. 2003/0225600. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Barlow discusses a computerized airline flight reservation system simulator. The object of Barlow is to define possible schedule changes that would increase the revenue of the carrier. This differs from the invention as Barlow aims at proposing schedules whereas the claims are directed, for example, to applying schedule changes.

Further the simulator of Barlow proposes changes for financial reasons (to increase revenues) whereas the invention has technical objectives (optimize the re-accommodation computer process, limit the impact on the reservation system during the loading of schedules...).

Therefore, one of ordinary skill in the art would not have looked to Barlow to make this invention. He or she would have chosen a reference directed to the computer application of schedules and not a reference having a business objective. Thus, with out hind sight, one of ordinary skill in the art would not

have looked to Barlow to solve the problem of the present claims.

Slivka discusses determine an impact of schedule changes on passenger flow and re-accommodate disrupted passengers.

The Applicant has amended claim 21 to include the features of claim 3. The Applicant has further amended claim 21 to recite "the current schedule record is a record that remains unchanged by the applying changes in the flight schedule database." Support for the amendment may be found, for example, in ¶ 0069 of the printed publication version of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment of the claim.

Thus, the rebooking performed in amended claim 21 includes choosing from a list of actual flights arriving on time and also from a list of late/rescheduled flights that might suit the passenger better. So the present invention comprises rebooking a flight, using simultaneously data from two lists at the same time.

For at least the reasons discussed above, Barlow and Slivka, taken separately or in combination, fail to render obvious the features of claim 21 and the claims dependent therefrom.

Claims 24, 26 and 29 stand rejected under 35 U.S.C. § 103(a) as being obvious over Barlow in view of Slivka in further view of Official Notice. The Applicants respectfully

disagree and traverse the rejection with an argument.

Official Notices adds nothing to the deficiencies of Barlow and Slivka as applied against the independent claims. Therefore, for at least the reasons discussed above, Barlow and Slivka and Official Notice, taken separately or in combination, fail to render obvious claims 24, 26 and 29.

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being obvious over Barlow in view of Slivka in further view of Shetty, U.S. Patent Publication No. 2003/0191678. The Applicants respectfully disagree and traverse the rejection with an argument.

Shetty adds nothing to the deficiencies of Barlow and Slivka as applied against the independent claims. Therefore, for at least the reasons discussed above, Barlow and Slivka and Shetty, taken separately or in combination, fail to render obvious claim 27.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112 and 103. It is also submitted that claims 21, 22 and 24-29 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/James J. Livingston, Jr./
James J. Livingston, Jr.
Reg.No. 55,394
209 Madison St, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JJL/jr